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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,068	10/05/2000	Takashi Shimada	1614-1084	9496

21171 7590 08/26/2003

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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 08/26/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/679,068

Applicant(s)

SHIMADA ET AL.

Examiner

Susanna M. Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 22, 2003 (After-Final Amendment, Paper No. 14) has been entered.

Claims 1-3, 5, and 8-12 have been amended.

Claims 15-17 have been added.

Claims 1-17 are pending.

2. The previously pending objection to the specification is withdrawn in response to Applicant's submission of a corrected abstract.

Response to Arguments

3. Applicant's arguments filed May 22, 2003 have been fully considered but they are not persuasive.

Applicant argues:

The Angotti reference does not disclose that data requested by a user are obtained from an external processing system, such as a bank settlement host computer 200, a data warehouse database 300, and a securities firm host computer 400, as illustrated in the embodiment of the present invention shown in Figures 2 and

3. The automatic electronic message interpretation and routing system of Angotti is not connected to a plurality of external processing systems, as can be seen from Figure 1 of Angotti. Accordingly, e-mail messages from a user are not converted in Angotti into a form that can be processed by an external processing system. Thus, even if all of the information delivery functions of Angotti are automated, such a modification would not realize the present invention. (Page 8 of Applicant's Response)

The Examiner respectfully submits that "external" is a relative term. Applicant's claims do not specify what the "external processing systems" are external to; therefore, Examiner has given this phrase its broadest reasonable interpretation. For example, Angotti's invention utilizes an "automatic message interpreting and routing system" to convert an electronic message from one format to another before sending the converted message to an inbox (col. 11, lines 25-32). The message that passes through the inbox is forwarded to the Rule Base. A response is generated in the appropriate format and sent through an outbox (Fig. 1). The response is returned through the outbox in one of various formats (i.e., protocols) requested by the customer (column 7, Tables 1 & 2). Since the "automatic message interpreting and routing system" is separate from the inbox, which is also separate from the Rule Base and the outbox, it can reasonably be interpreted that all separate system elements are "external" to one another.

Therefore, Applicant's argument is non-persuasive.

A revised rejection, addressing the claims as amended, is presented below.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angotti et al. (U.S. Patent No. 6,182,059).

Angotti discloses a business support system comprising:

[Claim 1] service request production means for producing service information request data, in a predetermined form for one of a plurality of external processing systems having different protocols, in response to a request of a user from a terminal apparatus used by the user, the terminal apparatus being one of a plurality of different communication means (abstract; col. 3, lines 15-20; col. 11, lines 20-48; Angotti's invention utilizes an "automatic message interpreting and routing system" to convert an electronic message from one format to another before sending the converted message to an inbox (col. 11, lines 25-32). The message that passes through the inbox is forwarded to the Rule Base. A response is generated in the appropriate format and sent through an outbox (Fig. 1). The response is returned through the outbox in one of various formats (i.e., protocols) requested by the customer (column 7, Tables 1 & 2). Since the "automatic message interpreting and routing system" is separate from the inbox, which is also separate from the Rule Base and the outbox, it can reasonably be interpreted that all separate system elements are "external" to one another);

data form conversion means for converting the form of the service information request data produced by the service request production means into a form that can be processed by the external processing system and also for converting service information provided from the external processing system in response to the service information request data into the predetermined form (abstract; col. 11, lines 20-48; Angotti's invention utilizes an "automatic message interpreting and routing system" to convert an electronic message from one format to another before sending the converted message to an inbox (col. 11, lines 25-32). The message that passes through the inbox is forwarded to the Rule Base. A response is generated in the appropriate format and sent through an outbox (Fig. 1). The response is returned through the outbox in one of various formats (i.e., protocols) requested by the customer (column 7, Tables 1 & 2). Since the "automatic message interpreting and routing system" is separate from the inbox, which is also separate from the Rule Base and the outbox, it can reasonably be interpreted that all separate system elements are "external" to one another);

[Claim 5] wherein the plurality of different communication means comprises a telephone, a facsimile machine, and a computer terminal (col. 11, lines 20-48 -- Angotti's voice channel is deemed to be functionally equivalent to the claimed telephone).

Regarding claims 1, 6, and 7, Angotti teaches a service information providing means for providing the service information converted into the predetermined form by the data form conversion means to the terminal apparatus originating the request for the

service information if a customer sends an e-mail requesting that service information be provided to him/her via e-mail (col. 4, lines 50-52; col. 6, line 23 through col. 7, line 67). Alternately, Angotti's customers can send a request for information from a facsimile machine or a terminal that can transmit voice data (col. 11, lines 20-40). These requests are parsed to detect any instructions regarding each customer request (col. 7, Tables 1 & 2). For example, the customer may specify that he/she wants information sent to him/her via e-mail, facsimile, or phone (col. 7, Tables 1 & 2). Unless an appropriate automatic e-mail response is identified (col. 6, lines 23-32), a human operator processes each customer request based on the pertinent information parsed out of the request (col. 9, line 65 through col. 10, line 63). Angotti does not expressly teach a service information providing means for providing the service information converted into the predetermined form by the data form conversion means to the terminal apparatus originating the request for the service information, wherein the terminal apparatus is one of a plurality of different communication means. In other words, Angotti's service providing means *per se* only perform conversions of service information when a response is to be sent via e-mail. For responses sent via facsimile or telephone, a human operator handles the transmission of such data. However, Official Notice is taken that it is old and well-known in the art of business to automate well-known manual steps. Automation of a process often enables a process previously performed manually to be carried out more quickly and with less error. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to automate all of Angotti's information delivery functions

such that Angotti's invention includes a service providing means for providing the service information converted into the predetermined form by the data form conversion means to the terminal apparatus originating the request for the service information, *wherein the terminal apparatus is one of a plurality of different communication means*, in order to facilitate that Angotti's information delivery process be carried out more quickly and with less error.

Further regarding claims 6 and 7, Angotti does not expressly teach a determination of whether or not the service information is updated; however, Official Notice is taken that it is old and well-known in the art of information providing to verify that the information being provided is updated, and if not, to acquire the most updated version of the information. This ensures that customers are being provided with the most accurate and pertinent information. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement with Angotti determining means for determining whether or not the service information is updated by accessing the external processing system (as per claim 6) and accessing means accessing the external processing system to sending the service information request data converted into the form that can be processed by the external processing system so as to obtain the service information in respect to the service information request data, when the determining means determines that the service information is not updated (as per claim 7) in order to ensure that customers are being provided with the most accurate and pertinent service information.

As per claims 2 and 3, Angotti provides various types of service information, including promotional content, responses to requests for services, and responses to general questions, to its customers (col. 10, lines 1-9), yet Angotti fails to explicitly disclose a sales campaign monitoring means for monitoring the effectiveness of a sales campaign based on the service information provided to the customers, service information determining means for deciding which type of service information should be provided to customers depending on the effectiveness of the monitored sales campaign, and service channel determining means for determining a providing means for providing service information to the customer depending on the success rate of the monitored sales campaign. However, Official Notice is taken that it is old and well-known in the art of marketing to evaluate the effectiveness of one's marketing campaign based on the service information provided to the customers and then decide which type of service information should be provided to customers depending on the effectiveness of the monitored sales campaign. A constant reevaluation of one's marketing campaign assists in ongoing improvement of the campaign especially in light of changing times and circumstances. Furthermore, Official Notice is taken that it is old and well-known in the art of marketing to monitor a sales campaign in order to assess the most effective modes of communicating sales information (e.g., advertising) to potential customers. Again, a constant reevaluation of all aspects of one's marketing campaign assists in ongoing improvement of the campaign especially in light of changing times and circumstances. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement with Angotti's

information delivery system a sales campaign monitoring means for monitoring the effectiveness of a sales campaign based on the service information provided to the customers, service information determining means for deciding which type of service information should be provided to customers depending on the effectiveness of the monitored sales campaign, and service channel determining means for determining a providing means for providing service information to the customer depending on the success rate of the monitored sales campaign in order to facilitate a constant reevaluation of all aspects of Angotti's promotional marketing campaigns, thereby assisting in ongoing improvement of the campaign especially in light of changing times and circumstances.

Regarding claim 4, Angotti teaches the use of various service channels to provide service information (as discussed above), yet Angotti does not expressly disclose adjusting means that ensures that no one providing means for providing service information determined by the service channel determining means is overloaded. However, Official Notice is taken that the use of load balancing among various communications channels is old and well-known in the art of communications. Load balancing helps to ensure that the available communications channels are utilized as efficiently as possible, thereby facilitating the quicker and overall more successful delivery of information. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to enhance Angotti's communications capabilities with adjusting means that ensures that no one

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providing means for providing service information determined by the service channel determining means is overloaded in order to help ensure that the available communications channels are utilized as efficiently as possible, thereby facilitating the quicker and overall more successful delivery of information.

[Claims 8-17] Claims 8-17 recite limitations already addressed by the rejection of claims 1-7 above; therefore, the same rejection applies.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

 Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

 Any response to this action should be mailed to:

**Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

or faxed to:

(703)305-7687 [Official communications; including
After Final communications labeled

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"Box AF"]

(703)746-7048

[Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7th floor receptionist.



Susanna M. Diaz
Primary Examiner
Art Unit 3623
August 21, 2003